

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**August 24, 2010**

**DIVISION ONE**

Court convened at 9:00 a.m.

Present: Mallano, P.J., Rothschild, J., Chaney, J., Johnson, J. and C. Hon, Deputy Clerk.

Each of the following:

B212711 People v. Dudley  
B213372 People v. Avendano  
B213678 People v. Castaneda  
B214364 William v. Ablakhad  
B214617 People v. Hawkins  
B215575 People v. Villegas  
B215692 People v. Galvan  
B216366 People v. Zamagni  
B216454 People v. Patterson  
B217032 People v. Moreno  
B217252 People v. A.M.  
B217531 People v. Faulcon  
B217574 People v. Reyes  
B218413 People v. Ramirez  
B219618 People v. Grayson  
B219971 DCFS v. C.A.  
B220773 People v. Byous  
B220940 DCFS v. D.B.  
B221461 DCFS v. S.J.  
B222549 DCFS v. R.D.  
B224441 C.A. v. SCLA (DCFS)

Argument waived, cause submitted.

DIVISION ONE (continued)

B216861     People  
              v.  
              Membreno and Reyes

Matter continued to September 21, 2010.

B211597     Flagship Theatres  
              v.  
              Century Theatres

Matter continued to September 22, 2010.

B217992     People  
              v.  
              Ransome

Merits:  
Argued by Jennifer Hansen for appellant and by Russell A. Lehman,  
Deputy Attorney General for respondent. Cause submitted.

B209873     Roosen  
              v.  
              Farrell

Merits:  
Argued by Yevgeniya Lisitsa for appellant and by Lara M. Krieger for  
respondent. Cause submitted.

B212780     People  
              v.  
              Nunez

Merits:  
Argued by Danalynn Pritz for appellant and by Timothy Weiner, Deputy  
Attorney General for respondent. Cause submitted.

DIVISION ONE (continued)

B217982     Doe, et al.  
              v.  
              William Hart Union High School District, et al.

Merits:  
Argued by Vince W. Finaldi for appellants and by Stephen Harber for respondents. Cause submitted.

Rothschild, J. leaves the bench.

B219081     Pendergrass  
              v.  
              Diamond Bar & Circle K Horse Rentals

Merits:  
Argued by Joe C. Hopkins for appellant and by Jack C. Nick for respondent. Cause submitted.

Rothschild, J. returns to the bench.

B221980     Brown  
              v.  
              Superior Court, Los Angeles County  
              (The People)

Merits:  
Argued by Peter Swarth for petitioner and by Tracey W. Lopez, Deputy District Attorney for real party in interest. Cause submitted.

Mallano, P.J. leaves the bench.

August 24, 2010 (Continued)

## DIVISION ONE (continued)

B214462      Sivyer-Foley  
v.  
Foley

Merits:

Argued by Gary W. Kearney for appellant Sivyer-Foley and by Marilyn M. Smith for appellant Foley. Cause submitted.

Court adjourned.

[illegible]

The judgment is affirmed.

Rothschild, J.

We concur:   Mallano, P.J.  
                      Chaney, J.

DIVISION FOUR

B207346 Dolzhenko (Not for Publication)  
v.  
Valley Temps, Inc.

The orders are affirmed. Respondent is to have its costs on appeal.

Epstein, P.J.

We concur: Manella, J.  
Suzukawa, J.

## DIVISION FOUR (continued)

[illegible]

The judgment is affirmed.

Epstein, P.J.

We concur: Manella, J.  
Suzukawa, J.

B218289 California Coastal Commission, et al. (Not for Publication)  
v.  
Allen

The order denying the motion to vacate the renewal of judgment is modified to exclude \$684 in costs from the renewed judgment. In all other respects, the order is affirmed. Respondents are to have their costs on appeal.

Epstein, P.J.

We concur: Manella, J.  
Suzukawa, J.

B219080      Perez      (Not for Publication)  
v.  
VAS S.P.A.

The judgment in favor of respondent is affirmed. Respondent shall recover its costs on appeal.

Willhite, J.

We concur: Epstein, P.J.  
Suzukawa, J.

## DIVISION FOUR (continued)

B215184      Khiaban      (Not for Publication)  
v.  
Madani

The orders under review are affirmed. Respondent Davoud Khiaban shall recover costs on appeal.

Willhite, J.

We concur: Epstein, P.J.  
Suzukawa, J.

B220969      Los Angeles County, D.C.F.S.  
v.  
Patty C.

Filed order denying petition for rehearing.

DIVISION FIVE

B215975      Alex Pladott      (Not for Publication)  
v.  
Stephen Hammers, et al

The judgment is affirmed. Respondent(s) to recover costs.

Armstrong, J.

We concur:   Turner, P.J.  
                      Kriegler, J.

## DIVISION FIVE (continued)

[illegible]

The judgment is modified to impose two \$20 security fees (Pen. Code, 1465.8, subd. (a)(1)) and two \$30 court facilities assessments (Gov. Code, 70373, subd. (a) (1)). On remand, the trial court must impose an unstayed concurrent or consecutive misdemeanor sentence of a specific duration and the appropriate fine on count 2 and determine defendant's presentence custody credits. The judgment is affirmed in all other respects.

Turner, P.J.

We concur:    Armstrong, J.  
                         Kriegler, J.

B217592      People                                  (Not for Publication)  
v.  
Gregory Eric Moore

The judgment is modified to: award 550 days of presentence conduct credit pursuant to Penal Code section 4019; reverse the Penal Code section 1202.45 parole restitution fine, add a \$20 Penal Code section 1465.8, subdivision (a)(1) court security fee; and, add a \$30 Government Code section 70373, subdivision (a)(1) court facilities fee. The judgment is affirmed in all other respects. Upon issuance of the remittitur, the superior court clerk shall prepare an amended abstract of judgment reflecting these modifications and forward a copy to the California Department of Corrections and Rehabilitation.

Turner, P.J.

We concur:    Armstrong, J.  
                         Kriegler, J.

## DIVISION FIVE (continued)

B219737      People                                  (Not for Publication)  
v.  
Albert Brunson

The consecutive sentence imposed and executed on count 3 is reversed and remanded with directions to the trial court to impose and stay the sentence on that count pursuant to section 654 and to exercise its discretion to determine the amount of the restitution fines in light of the stay of sentence on count 3 and resulting reduction in the length of defendant's total sentence. In all other respects, the judgment of conviction and sentencing orders are affirmed.

Mosk, J.

We concur:   Armstrong, Acting P.J.  
                      Kriegler, J.

B215108      People                                  (Not for Publication)  
v.  
Carlos Gomez, et al.

The judgments are modified as follows: the \$10 Penal Code section 1202.5 subdivision (a) fine is reversed as to both Mr. Ayala and Mr. Gomez; a \$30 Government Code section 70373, subdivision (a)(1) assessment is imposed as to Mr. Ayala and Mr. Gomez; Mr. Ayala's Penal Code section 667.5 subdivision (b) enhancement is stricken; and Mr. Ayala is awarded presentence credits of 117 actual days in custody and 58 days conduct credit. The judgments are affirmed in all other respects. Upon remittitur issuance, the superior court clerk shall prepare an amended abstract of judgment and forward it to the California Department of Corrections and Rehabilitation.

Turner, P.J.

We concur: Mosk, J.  
Kriegler, J.



August 24, 2010 (Continued)

## DIVISION FIVE (continued)

B219201      People                                  (Not for Publication)  
v.  
James Chambers

The judgment is affirmed.

Armstrong, Acting P.J.

We concur: Mosk, J.  
Kriegler, J.

B221613      Los Angeles County, D.C.F.S.  
v.  
Kelvin A.  
In re Raven A., a Person Coming Under the Juvenile Court Law

Filed order modifying opinion. (No change in the judgment)

B222146      Los Angeles County, D.C.F.S.  
v.  
Kelvin A.  
In re Raven A., A Person Coming Under the Juvenile Court Law

Filed order modifying opinion. (No change in the judgment)

## DIVISION SIX

B219806      Mary L. Becraft      (Not for Publication)  
v.  
Eric Dean Smith

The judgment is affirmed. Appellant shall bear costs on appeal.

Gilbert, P.J.

We concur: Yegan, J.  
Coffee, J.

August 24, 2010 (Continued)

## DIVISION SIX (continued)

B221397 People (Not for Publication)  
v.  
Morales

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.  
Perren, J.

B209434 Maria Vista Estates, et al.  
v.  
County of San Luis Obispo

Filed order vacating submission order of May 12, 2010. In view of the pending federal court proceedings involving a party to this appeal. Submission is vacated and the matter is stayed pending further notice of the bankruptcy court's determination on this issue.

B212406      People  
v.  
Leonardo Dinoci Lyons

Filed order denying petition for rehearing.

## DIVISION SEVEN

B217114 People v. Dixon (Not for Publication)

The judgment is affirmed.

Zelon, J.

We concur: Perluss, P.J.  
Jackson, J.

## DIVISION SEVEN (continued)

B215675      Schneider      (Not for Publication)  
v.  
Schneider

The post trial order is reversed. The trial court is directed on remand (1) to enter a new order denying Mark's request for fees-as-sanctions under section 271; (2) to reconsider Nicoles's request for need-based fees under section 2030 in a manner consistent with the view expressed in this opinion; and (3) to the extent, if any, that the court concludes a portion of the fees requested are the result of excessive or unnecessary litigation activity by Nicole, to prepare findings that explain the basis for its decision. Nicole is to recover her costs on appeal.

Perluss, P.J.

We concur: Woods, J.  
Jackson, J.

B217192      Angela Girardi, et al.      (Not for Publication)  
v.  
Princess Cruises

The judgment is affirmed. Sanctions on appeal are awarded to Respondent against Appellants in the amount of \$6,750.00. Respondent shall recover its costs on appeal.

Zelon, J.

We concur: Perluss, P.J.  
Jackson, J.

DIVISION SEVEN (continued)

B217768      Gary Schultz, et al.                      (Not for Publication)  
                 v.  
                 Harvey Eder

The order is reversed. Appellant is to recover his costs on appeal.

Zelon, J.

We concur:    Woods, Acting P.J.  
                 Jackson, J.

DIVISION EIGHT

B204553      Jumaane  
                 v.  
                 Los Angeles Fire Department

Filed order denying petition for rehearing.

B213596      John Russell, et al.  
                 v.  
                 Ford Motor Company

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)